IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15386 of 2004

Between:

1. Veeraswamy Goud, S/o Veera Goud,
   Licencee of TFT Hathnoora Counter No.1, R/o Hathnoora Village & Mandal, Medak District.
2. E.Narsa Goud, S/o Bala Goud,
   Licencee of TFT Hathnoora Counter No.2, R/o Hathnoora Village & Mandal, Medak District.
3. M.Anjaneyulu Goud, S/o Veera Goud,
   Licencee of TFT Hathnoora Counter No.3, R/o Hathnoora Village & Mandal, Medak District.
4. G.Prabhakar Goud, S/o Veera Goud,
   Licencee of TFT Hathnoora Counter No.4, R/o Hathnoora Village & Mandal, Medak District.
5. M.Nara Goud, S/o Linga Goud,
   Licencee of TFT Hathnoora Counter No.5, R/o Hathnoora Village & Mandal, Medak District.
6. Ch.Ravinder Goud, S/o Ch.Veera Goud,
   Licencee of TFT Hathnoora Counter No.6, R/o Hathnoora Village & Mandal, Medak District.

..... PETITIONERS

AND

1. The Prohibition & Excise Superintendent, Medak District at Sangareddy.
2. The Prohibition & Excise Inspector, SHO, Narsapur, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or direction, declaring the Cr.No.782/2004/A1, dated 04/08/2004 of the first respondent as illegal, arbitrary and against the principles of natural justice and set aside the same and suspend the operation of Cr.No.782/2004/A1, dated 04/08/2004 of the first respondent.

Counsel for the Petitioners: MR.T.AMARNATH GOUD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER:

The petitioners, who are six in number, are holding TFT licences which are valid upto 31.03.2007. It is stated that as per the licences, they are entitled to sell toddy at TFT licenced counter Nos.1 to 6 and they have been conducting the business strictly in accordance with the conditions of the licence. This writ petition is filed aggrieved by the impugned proceedings dated 04.08.2004 issued by the 1st respondent suspending the licences of the petitioners pending enquiry into the allegation that the petitioners are indulging in sale of toddy adulterated with Chloral Hydrate.

A perusal of the impugned order shows that the TFT toddy shop, where one M.Gopal Goud was conducting sales, was inspected by the respondent officials on 22.06.2004 and on spot inspection it was found that the toddy was adulterated with chloral Hydrate. Since the said Gopal Goud stated that he is selling toddy on behalf of all TFT Members, the impugned order was passed suspending the TFT licences of all the six petitioners, observing that it is necessary in the public interest to suspend the licences in order to prevent the licences from indulging in such offence. The said order is challenged in this writ petition contending inter-alia that the allegation of adulteration of toddy is incorrect and as a matter of fact no inspection was conducted in the licensed counters of the petitioners and that the said Gopal Goud is no way concerned with their shops. They also made a representation dated 05-07-2004 requesting the first respondent to enquire into the matter and not to take any coercive steps on the basis of the alleged inspection dated 22-06-2004. However, their request was not considered and the impugned order was passed suspending the licences. Hence, this writ petition.

It is to be noted that this Court, while directing notice to the respondents by an order dated 30.08.2004, granted interim suspension of the impugned order leaving it open to the respondents to proceed with the enquiry. Thereafter the matter underwent several adjournments. But no counter-affidavit has been filed so far on behalf of the respondents.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and perused the material on record.

As can be seen from the impugned order, the alleged inspection was conducted on 22-06-2004. Though it is stated that 3 samples were drawn and deposited in the Court of Magistrate having jurisdiction, there is nothing on record to show whether any steps were taken to send the sample to chemical analysis. The impugned order does not refer to any report of chemical analysis by the laboratory, but it is only based on the spot-test conducted during the alleged inspection on 22-06-2004. The petitioners are denying the very inspection itself. In the circumstances, I am of the view that the suspension of the licences is not warranted. However, it is always open to the respondents to proceed with the enquiry.

Accordingly, the impugned order is set aside and the Writ Petition is disposed of with a direction to the respondents to complete the enquiry initiated against the petitioners, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order after affording due opportunity to them to rebut the allegations made. It is made clear that this Court has not expressed any opinion with regard to the correctness of the allegations and it is open to the respondents to pass appropriate orders in accordance with law after conducting the enquiry.

Accordingly the writ petition is disposed of. No costs.

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27.10.2004

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To

1 The Prohibition & Excise Superintendent, Medak District at Sangareddy.
2 The Prohibition & Excise Inspector, SHO, Narsapur, Medak District.

3 2 CCs to the G.P for Prohibition and Excise, High Court Buildings, Hyderabad(O.U.T

4 2 CD copies.